

REMARKS

A. Background

Claims 1-23 were pending in the application at the time of the Office Action.¹ The Office Action objected to the drawings and rejected claims 4-6, 11-12, 16-18, and 20 on formal grounds. Claims 1-4, 6-7, 9, 11-16, 18-19, and 21 were rejected as being obvious over cited prior art. Claims 10 and 22 were objected to as being dependent upon a rejected base claim. By this response applicant has amended the drawings so as to address the formal issues. Applicant has also amended claims 1, 3-6, 10-13, 16-18, 20, and 22-23. As such, claims 1-23 are presented for the Examiner's consideration in light of the following remarks.

B Consideration of Previously Submitted IDS

Applicant notes that two Information Disclosure Statements were filed by the applicant in the present application. The first IDS was mailed on April 6, 2001 and received by the Patent Office on April 12 as evidenced by a returned postcard stamped by the Patent Office. The second IDS was mailed on October 15, 2001 and received by the Patent Office on December 3, 2001, also as evidenced by a returned postcard stamped by the Patent Office. The present Office Action acknowledges receipt and consideration of the *second* IDS and returns an initialed copy of the corresponding Form PTO-1449. The present Office Action, however, fails to acknowledge receipt or consideration of the *first* IDS or return an initialed copy of the corresponding Form PTO-1449. Accordingly, enclosed at Exhibit A is a copy of a returned postcard stamped by the Patent Office confirming receipt of the first IDS on April 12, 2001, and a complete copy of the previously filed

¹ Even though the Office Action cites that only claims 1-22 are pending, Applicant notes that claim 23 was originally filed with the application and is also currently pending.

first IDS with references. Applicant respectfully requests that the Examiner acknowledge receipt and consideration of the references by initialing and returning a copy of the Form PTO-1449.

C. Proposed Amendments

1. Proposed Drawings Amendments

By this response applicant has amended Figure 1 to address formal matters. Specifically, labels have been added to elements 20 – 25. These labels are supported in the application as originally filed. In view of this, applicant respectfully submits that the amendments to the drawings do not introduce new matter and entry thereof is respectfully requested.

2. Proposed Claim Amendments

By this response applicant has amended claims 1, 3-6, 10-13, 16-18, 20, and 22-23. These claims have been amended to address formal matters. Claim 1 has also been amended to clarify that the acts comprising the method of claim 1 are performed “at the wireless communication station.” This amendment is supported by at least Figure 1 and paragraphs [016], [036], and [037]. In view of the foregoing, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

D. Rejection on the Merits

Paragraph 1 of the Office Action rejected Figure 1 because “elements 20-25 in Fig. 1 need labels.” Applicant has amended Figure 1 to now include labels corresponding to elements 20-25. As such, applicant requests that the objection to the drawings be withdrawn.

Paragraphs 2 and 3 of the Office Action rejected claims 4-6, 11-12, 16-18, and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that the phrases “said determining act” in claims 4 and 16, “said receiving act” in claims 5-6, and 17, “acts” in claims 11-12, “said transmitting act” in claims 17-18, “said act of establishing” in claim 20, and “said verifying act” in claim 20 lack antecedent bases. Applicant has amended independent claims 1 and 13 to recite “the method comprising the acts of...” to remedy the rejection. Applicant has also amended claims 4-6, 11-12, 16-18, and 20 to remedy the rejection. In doing so, no substantive changes have been made to any of these claims.

Paragraphs 4 and 5 of the Office Action rejected claims 1-4, 6-7, 9, 13-16, 18-19, and 21 under 35 U.S.C. §103(a) as being unpatentable by U.S. Patent No. 6,154,461 to Sturniolo et al., in view of U.S. Patent No. 5,958,018 to Eng et al.

Specifically, the Office Action asserts that the Sturniolo patent discloses the claimed invention except that it “does not expressly disclose a verification step based upon the identity of the originator,” and that the Eng patent discloses “a check as to whether an origination MAC address is registered upon receiving a MAC frame.” The Office Action then asserts that “it would have been obvious ... to combine the check as to whether an origination MAC address is registered as disclosed by Eng et al. with [the] communication system disclosed by Sturniolo et al. ... to obtain the invention specified in claims 1 and 13.” Applicant respectfully traverses the rejection.

Both Sturniolo and Eng disclose wireless communication systems. Sturniolo discloses a wireless communication system that allows a mobile terminal (i.e. a wireless communication station) to be able to seamlessly pass from one cell area to another when the mobile terminal is roaming. The Sturniolo patent does not disclose any methods occurring at the wireless communication station.

As is known in the art, each cell in a wireless network contains an access processor (AP) that is associated with a number of mobile terminals (see Figure 1 of the Eng patent). Communication between mobile terminals must first pass through an AP. The Eng patent discloses a wireless services data network such that a MAC-layer handoff is used to handle intersession mobility (see Abstract, Eng). In other words, the Eng patent is directed to providing a seamless way for an AP serving a mobile terminal to pass off the service of the mobile terminal to another AP when the mobile terminal moves from one cell area to another. In the Eng patent, each AP contains a registration table that contains the MAC address of all the mobile terminals being served by the particular AP (col. 4, lines 29-32). Whenever an AP receives a communication from any mobile terminal, the AP determines if it is to service the mobile terminal by determining if the MAC address associated with the originating mobile terminal is registered in the AP's registration table (col. 4, lines 58-60, and Fig. 15). If the mobile terminal is not registered, then the AP ignores the message and allows a different AP to service the mobile terminal (col. 4, lines 58-60). This registration check is performed by the AP, not the mobile terminal, and is performed so that only a single AP (the particular AP associated with a mobile terminal) will relay the message from the mobile terminal to wherever the message is going. Otherwise, many AP's could mistakenly relay duplicate messages from a single mobile terminal if the mobile terminal happened to be in an overlapping area where the signal could be received by two or more APs. Thus, this check is not done to determine that the originator belongs to a predefined set of originators from which a mobile user wants to accept pushed data transmissions, nor is the check even performed by the mobile terminal; it is done by an AP to determine if a particular mobile terminal is *registered* at the AP.

In view of the foregoing, Applicant submits that even assuming *arguendo* that the teachings of the Sturniolo and Eng patents were combined as asserted by the Office Action, the combination

would not produce the inventions as recited in independent claims 1 and 13. First, the registration method taught by Eng is performed at the AP, not a wireless communication station. Furthermore, Sturniolo does not disclose any specific methods occurring at the wireless communication station. Thus, the combination of Sturniolo and Eng would not produce “[a] method at a wireless communication station,” with each of the acts as recited in claim 1 being performed “at the wireless communication station.” Furthermore, the combination would not produce “verifying, at the wireless communication station, the identity of the originator, if the received network address matches a predefined network address included in a set of one or more predefined network addresses stored by the wireless communication station,” as recited in claim 13.

Second, the registration method of Eng only determines at the AP whether any particular wireless communication station is *serviced* by the AP. Thus, the combination of Sturniolo and Eng would not produce “verifying at the wireless communication station the identity of the originator, if the received network address matches a predefined network address included in a set of one or more predefined network addresses stored by the wireless communication station,” as recited in claims 1 and 13.

In view of the foregoing, applicant submits that claims 1 and 13 are not obvious over the Sturniolo patent in view of the Eng patent. Claims 2-4, 6-7, 9, 14-16, 18-19, and 21 depend from claim 1 or claim 13 and thus incorporate the limitations thereof. As such, applicant submits that claims 2-4, 6-7, 9, 14-16, 18-19, and 21 are not obvious over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and 13.

Paragraph 6 of the Office Action rejected claims 11 and 12 under 35 USC § 103(a) as being unpatentable over the Sturniolo patent in view of the Eng patent and further in view of U.S. Patent No. 5,654,957 to Koyama. Claims 11 and 12 depend from claim 1 and thus incorporate the

limitations thereof. Koyama does not satisfy the deficiencies of the Sturniolo and Eng patents, as discussed above. As such, applicant submits that claims 11 and 12 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claim 1.

Paragraph 7 of the Office Action objected to claims 10 and 22 as being dependent upon rejected base claims, but stated that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Since the claims from which claim 10 and 22 depend are distinguishable over the cited prior art for at least the reasons as set forth above, applicant submits that claims 10 and 22 are now in condition for allowance.

No other objections or rejections are set forth in the Office Action.

E. Conclusion

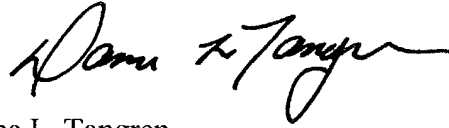
Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-23 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 23 day of September 2004.

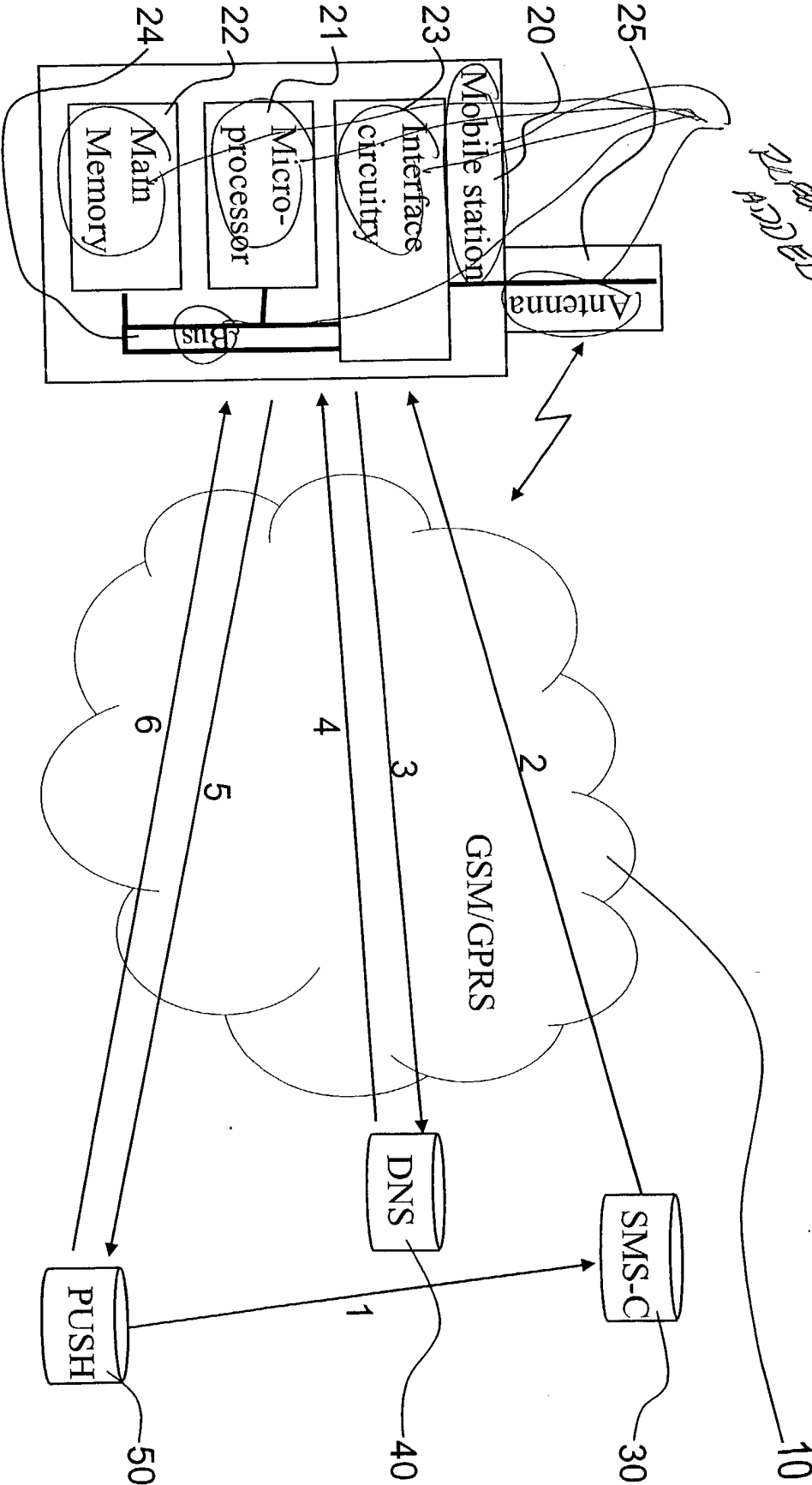
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren", written in a cursive style.

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FIG. 1

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